UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KEVIN STEWART,

                Plaintiff,

v.

ORDER

EASTCHESTER PROFESSIONAL
FIREFIGHTERS LOCAL 916 and THE
EASTCHESTER FIRE DISTRICT,

22 CV 0378 (VB)

                Defendants.

--x

3/3/2022

       The Court's Order dated March 2, 2022 (Doc. #22), is VACATED.

       On March 1, 2022, defendants Eastchester Fire District and Eastchester Professional Firefighters Local 916 each filed a motion to dismiss the complaint pursuant to Rule 12(b)(6). (Doc. #13; Doc. #20).

       Accordingly, it is hereby ORDERED that, by no later than March 14, 2022, plaintiff must notify the Court by letter whether he (i) intends to file an amended complaint in response to the motions to dismiss, or (ii) will rely on the complaint that is the subject of the motions to dismiss.

       If plaintiff elects not to file an amended complaint, the motions will proceed in the regular course, and the Court is unlikely to grant plaintiff a further opportunity to amend to address the purported deficiencies made apparent by the fully briefed arguments in defendants' motions. See Loreley Fin. (Jersey) No. 3 Ltd. v. Wells Fargo Sec., LLC, 797 F.3d 160, 190 (2d Cir. 2015) (leaving "unaltered the grounds on which denial of leave to amend has long been held proper, such as undue delay, bad faith, dilatory motive, and futility"); accord F5 Capital v. Pappas, 856 F.3d 61, 89–90 (2d Cir. 2017). The time to file opposing and reply papers shall be governed by the Federal Rules of Civil Procedure and the Local Civil Rules, unless otherwise ordered by the Court.

       If plaintiff elects to file an amended complaint, he must file the amended complaint by no later than 14 days after notifying the Court of his intent to do so. Within 21 days of such amendment, each defendant may either: (i) file an answer to the amended complaint; (ii) file a motion to dismiss the amended complaint; or (iii) notify the Court by letter that it is relying on the initially filed motion to dismiss.

Dated: March 3, 2022
       White Plains, NY

                           SO ORDERED:

                           _____
                           Vincent L. Briccetti, U.S.D.J.